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10/840,004	05/06/2004	Stephane Leguillier	704-011786-US (PAR)	9527
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			WALK, SAMUEL J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/840,004

Applicant(s)

LEGUILLIER, STEPHANE

Examiner

Samuel J. Walk

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*SM*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/06/2004</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Objections***

1. Claim 11 is objected to because of the following informalities: it is unclear if the claimed receiver in Claim 11 is a different receiver than in Claim 9. Appropriate correction is required. It will be interpreted that the receiver is the same receiver as in Claim 9 and thus Examiner suggests amending the claim so as to read "the" or "said" receiver.

2. Claim 14 is objected to because of the following informalities: Claim 14 depends upon itself. Appropriate correction is required. To further prosecution, Examiner will interpret the claim as being dependent on Claim 9.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The

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claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "HLR" is not defined nor explained in the originally disclosed specification.

Examiner suggests spelling out the acronym in the specification and/or claim in addition to other acronyms throughout the application.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 1-14 recite the limitations "transmitter" and "receiver" however, both devices are both transmitting and receiving signals; therefore, Examiner suggests amending the claim language so that "transmitter" reads as "first transceiver" and "receiver" reads as "second transceiver".

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8. Regarding claim 13, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao (US 5917405).

Regarding Claim 1, Joao discloses a control apparatus and methods for vehicles wherein claimed transmitter met by receiver 3, see Col. 19 lns 51-60; claimed telecommunications network met by server 952, see Col. 49 lns 22-41; claimed receiver met by transmitter system 2, see Col. 18 lns 41-57; claimed command met by command code (unlabeled) and action met by disable, re-enable, reset, etc., see Col. 30 lns 30-35. Joao's server 952 receives data, including alarm data, from the vehicle, processes

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said data and transmits it to the authorized user or operator who then can decide upon an appropriate command, see Col. 49 lns 54-55, 61-64 and Col. 50 lns 45-48.

Regarding Claim 2, see above rejection in reference to Claim 1. In addition, it is inherent that Joao's server 952 would perform both alarm and command processing and interpretation as it is necessary to properly function.

Regarding Claim 4, see above rejection in reference to Claim 3. In addition, Joao discloses the transmission of images to the user or operator, see Col. 23 lns 1-16. Also, Joao discloses that the images are recorded or in real-time, see Col. 23 lns 27-29. Thus, the image is stored in memory and is located at an address within said memory.

Regarding Claim 5, Joao discloses that the command code is then transmitted from the transmitting device 2B of the transmitter system 2 and is received by the receiver 3 or beeper or pager. In the preferred embodiment, a command code received signal is then transmitted back to the transmitter system 2, via the receiver 3, or communication system, transmitter 3A, which provides an indication, to the authorized user or operator, that the command code has been received by the apparatus 1, see Col. 30 lns 47-53.

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***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao.

Regarding Claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made that servers and networks sort and store data and executable instruction in fields, address and other data configurations.

Regarding Claims 6-9, see above rejection in reference to Claims 1 and 2. In addition, one having ordinary skill in the art at the time the invention was made would have readily recognized that communications sent through a server are processed and interpreted according to both the source of the communication and according to the destination so that proper communication between the two locations would be maintained.

Regarding Claim 11, see above rejection in reference to Claim 4. In addition, it would have been obvious to one having

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ordinary skill in the art at the time the invention was made that one or more than one servers can be connected to perform shared tasks and thus, one of ordinary skill would have readily recognized that an image server would also be utilized to make the overall system faster and more efficient.

Regarding Claim 12, Joao discloses transmitter system is a number of different terminals, see Col. 19 lns 7-31.

Regarding Claim 13, Joao further discloses that receiver 3 is a two-way pager and is connected to vehicle ignition system 7 and/or fuel pump system 9 to disable the vehicle, see Col. 20 lns 15-18, Col. 21 lns 58-59 and Col. 22 lns 14-15. Also, see above rejection in reference to Claim 4 for claimed camera.

Regarding Claim 14, Joao discloses global position device 22, see Col. 25 lns 45-50.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Ortiz (US 20020058499).

Regarding Claim 10, Joao discloses a remote control system for vehicles and residences over a server. Joao does not disclose a specific program memory and a data memory and a table to store correspondence points. However, Ortiz teaches of systems, methods, and apparatuses for brokering data between wireless devices and data rendering devices wherein network 28



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(e.g., HLR) verifies a passcode, see para. [0051-0052]. One having ordinary skill in the art at the time the invention was made would have readily recognized that memory would be necessary for both program and data; however, one having ordinary skill would have also readily recognized that one memory could perform both program and data storing tasks. Also, Ortiz's network compares the passcodes of multiple users with multiple remotely controlled devices, thus a plurality of corresponding relationships would need to be stored. In addition, it would have been obvious that a plurality of methods of storing those corresponding relationships including look-up tables. Finally, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Ortiz into the system of Joao because the server of Joao would need to perform like the system of Ortiz to properly look-up and locate the correct corresponding devices.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snyder (US 5942988) discloses a remote engine starter with engine cutoff. Nakajima (US 5949151) discloses an antitheft apparatus for a vehicle.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJW



JEFFERY HOFSAAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600